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10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN FRANCISCO DIVISION
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14 HIGH SIERRA HIKERS ASSOCIATION,

15 Plaintiff,

16 v.

17 UNITED STATES DEPARTMENT OF THE
18 INTERIOR, et al.,

19 Defendants.
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Case No. CV-09-4621-RS

**JOINT STATUS REPORT AND
STIPULATION TO FURTHER
REVISE BRIEFING SCHEDULE;
PROPOSED ORDER**

**JUDGE: HONORABLE
RICHARD SEEBORG**

Courtroom: 3, 17th Floor

JOINT STATUS REPORT AND STIPULATION TO FURTHER REVISE BRIEFING
SCHEDULE AND ORDER
CASE No. CV-09-04621-RS

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2 The Plaintiff High Sierra Hikers Association and the Defendants, U.S. Department of the
3 Interior, et al., submit this joint status report and stipulation to advise the Court as to the status of
4 the ongoing settlement process with respect to the Plaintiff's Motion for Attorneys' Fees, Costs,
5 and Other Expenses. The settlement process continues to move forward, although somewhat
6 slower than Defendants had anticipated, due in large part to a serious family medical condition
7 that has required Defendants' lead counsel to take extensive leave during January 2013. Both
8 parties now expect that a final settlement can be reached in the near future. As explained below,
9 additional time is needed to secure formal approval from federal officials in Washington, D.C.

10 WHEREAS, on October 26, 2012, the Plaintiff High Sierra Hikers Association filed a
11 Motion for Attorneys' Fees, Costs, and Other Expenses Pursuant to 28 U.S.C. § 2412,

12 WHEREAS, the litigation counsel for both parties and their clients have reached
13 agreement on the specific terms and conditions of a settlement agreement, which, if approved,
14 would specify a payment of a sum certain by the National Park Service to the Plaintiff in full and
15 complete settlement of the Plaintiff's claim, resulting in dismissal of the pending motion;

16 WHEREAS, the parties are optimistic that a final settlement can be approved in the near
17 future that would avoid the need for a hearing;

18 WHEREAS, the Defendants secured the recommendations from Department of Justice
19 and Department of the Interior officials involved in the litigation to approve the proposed
20 settlement, and those officials have presented the proposed settlement and recommendations to
21 senior officials in the Department of Justice with final authority to approve the settlement;

22 WHEREAS, the Defendants' counsel has requested a final decision on the proposed
23 settlement at the earliest opportunity and continues to expect that a decision will be forthcoming
24 in the near future;

25 WHEREAS, at Defendants' request, the Court previously continued the date for the
26 Defendants to file their opposition to the fee motion until February 28, 2013;

27 NOW THEREFORE, IT IS HEREBY STIPULATED and agreed between the Parties that:

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JOINT STATUS REPORT AND STIPULATION TO FURTHER REVISE BRIEFING
SCHEDULE AND ORDER
CASE No. CV-09-04621-RS

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2 1. The date for the Defendants to file their opposition to Plaintiff's Motion shall be
3 continued by an additional 14 days, until **March 14, 2013**, to allow time for a decision on
4 approval of the proposed settlement agreement negotiated by the parties.

5 2. The parties shall advise the Court of the status of their settlement discussions in a joint
6 status report to be filed on or before **March 7, 2013**.

7 3. The hearing on Plaintiff's Motion is continued until a date to be set following the joint
8 status report on March 7, 2013. If settlement does not appear imminent at that time, the parties
9 will agree on a date for the Plaintiff's Reply and request a hearing on Plaintiff's Motion at the
10 next available date on the Court's calendar.

11 **IT IS SO STIPULATED.**

12 Dated: February 20, 2013

NATHAN B. SABRI
MORRISON & FOERSTER LLP

14 By: /s/ Nathan B. Sabri
Nathan B. Sabri, Attorney for Plaintiff

15 Dated: February 20, 2013

CHARLES R. SHOCKEY
U.S. DEPARTMENT OF JUSTICE

17 By: /s/ Charles R. Shockey
Charles R. Shockey, Attorney for Defendants

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19 ~~PROPOSED~~ ORDER

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21 PURSUANT TO STIPULATION, IT IS
22 SO ORDERED.

BY:



HONORABLE RICHARD SEEBORG
U.S. DISTRICT JUDGE

23 Dated: 2/21/13